

## INITIAL STUDY

**PROJECT FILE NO.:** PDC03-079

**PROJECT DESCRIPTION:** Rezoning of the subject property from IP Industrial Park to IP(PD) Planned Development zoning district to allow up to 71,400 square feet of industrial uses.

**PROJECT LOCATION:** North side of Ringwood Court approximately 900 feet northerly of McKay Drive

**GENERAL PLAN DESIGNATION:** IP Industrial Park **ZONING:** IP Industrial Park

**SURROUNDING LAND USES:** Industrial

**PROJECT APPLICANT'S NAME AND ADDRESS:** Ralph Borelli, 1770 Technology Drive, San Jose, CA. 95110

## DETERMINATION

**On the basis of this initial study:**

<input type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT(EIR)</b> is required.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , including revisions or mitigation measures that are included in the project, and further analysis is not required.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Name of Preparer: Caleb Gretton  
Phone No.: (408) 277-4576

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**I. AESTHETICS - Would the project:**

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2
e) Increase the amount of shade in public and private open space on adjacent sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2

**FINDINGS:** The subject property is surrounded on all sides by Industrial users. The development of the subject site will not result in an adverse effect on a scenic vista nor any scenic resources, as there are no scenic resources or scenic vistas within the area. The development would not degrade the existing visual character or quality of its surroundings, in that the site is surrounded by industrial uses, and the proposed development would be consistent with the adjacent structures.

**MITIGATION MEASURES:** None Required

**II. AGRICULTURE RESOURCES - Would the project:**

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,3,4

**FINDINGS:** The subject site is not designated as prime agricultural land and has a General Plan designation of Industrial Park and a current zoning of IP Industrial Park. The subject site is not under a Williamson Act Contract and is not utilized as agricultural land.

**MITIGATION MEASURES:** None required

**III. AIR QUALITY - Would the project:**

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,14
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,14

**FINDINGS:** The Bay Area Air Quality Management District has developed sizes of activity levels for various types of land uses, using default values that would exceed the threshold of significance for NO. For industrial development, the size is 280,000 square feet. The proposed project is significantly less than 280,000 square feet and, therefore, would have a less-than-significant air quality impact.

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Numerous manufacturing and materials storage uses could impact local air quality if not properly handled. Although any impact would not be expected to violate any standards, it would add to cumulative effect in the area. The Bay Area Air Quality Management District has established regulations and controls for emissions from stationary industrial sources.

Two approvals from the District would be required to construct new District regulated facilities; 1) an Authority to Construct permit, and 2) a Permit to Operate. The Authority to Construct permit is issued after the District reviews the project plans for conformance with State Air Resources Board requirements. When the installation is complete, a Permit to Operate is issued after the facilities pass any final tests and inspections.

The project would not generate objectionable odor or place sensitive receptors adjacent to a use that generates odors.

The construction of the project could produce short-term fugitive dust generated as a result of soil movement and site preparation. Construction could cause dust emissions that could have a significant temporary impact on local air quality. Fugitive dust emissions would be associated with site preparation activities, such as excavation and grading, and building construction. Dust emissions would vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Particulates generated by construction are recognized, but small, contributing sources of regional air quality. While it is a potential impact, construction dust emissions can be mitigated by dust control and suppression practices that are appropriate for the project and level of activity.

#### MITIGATION MEASURES:

1. The Bay Area Air Quality Management District emissions control requirements shall be complied with by obtaining 1) an Authority to Construct permit, and 2) a Permit to Operate if required when specific uses are determined.
2. A Construction Air Quality Plan shall be developed and implemented for dust control to include dust suppression practices such as: 1) frequent watering; 2) damp sweeping of haul routes, parking and staging areas; 3) installation of sandbags or other erosion control measures to prevent silt runoff to public roadways; 4) vehicle speed controls; 5) watering or the use of soil stabilizers on haul routes, parking and staging areas; 6) prohibition of grading during high winds; 7) hydroseeding areas where grading is completed or inactive; 8) covering of stockpiles and loads in haul vehicles; 9) maintaining at least two feet of freeboard in all haul vehicles; 10) limiting the area being graded at a given time; 11) monitoring of particulate levels; and 12) enforcement measures.

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#### **IV. BIOLOGICAL RESOURCES - Would the project:**

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,10
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,6,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,6
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,11
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2

**FINDINGS:** The subject property is classified as an in-fill property, which indicates that the site is surrounded by urban uses. Indeed the property is surrounded by fully developed parcels of industrial uses. The development of the subject property would not have and adverse effect on habitat or species or special status, would not adversely impact any wetlands, aquatic or riparian habitat in that the property is not located next to a creek wetlands or any other natural habitat, would not interfere with an local habitat and species protection policies or ordinances, nor any habitat conservation plan. There are no trees on the subject property to be removed.

Live Oak Associated, Inc, conducted a Burrowing Owl Survey to ascertain whether or not burrowing owl habitat is present on the site and whether or not burrowing owls are presently using the site. The report concludes that burrowing owls are presently absent from the site due to the fact that suitable nesting habitat is lacking. Site development would result in a less than significant impact to burrowing owls and their habitat due to absence of burrowing owls and the absence of suitable nest habitat on the site combined with the limited number of sightings in the vicinity. However, the developer shall be required to perform a pre-construction survey prior to commencement of any site work including grading and construction.

**MITIGATION MEASURES:** The developer shall be required to perform a pre-construction survey 30 days prior to any construction or grading on the site.

#### **V. CULTURAL RESOURCES - Would the project:**

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,8
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,8

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**FINDINGS:** The subject site is surrounded by developed industrial uses, and will not change or impact any historical or archeological resources or destroy any unique paleontological resources or disturb any human remains. There are no historic structures on the site. The site is not located within an area of known archaeological sensitivity.

**MITIGATION MEASURES:** Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California; In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as the disposition of the remains pursuant to this State Law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

## **VI. GEOLOGY AND SOILS - Would the project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,5,24
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,5,24
3) Seismic -related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,5,24
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,5,24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,5,24
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,5,24
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,5,24

**FINDINGS:** Liquefaction is the transformation of granular sediment from a solid state to a liquid state. The soils most susceptible to this phenomenon are loose, clay-free, fine grained granular materials that are saturated.

Based on the results of a soils investigation conducted by Engeotech, Inc. in July of 2003, it is determined that there is a low potential for liquefaction at the project site.

The soils investigation states that the subject property is suitable for the proposed industrial development. The soils underlying the site have adequate strength to support the loads anticipated from one-story structures without detrimental settlement provided the recommendations of the soils investigation are carefully followed.

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**MITIGATION MEASURES:** The developer shall carefully follow the recommendations of the soils investigation conducted by Engeotech Inc. in July of 2003.

## **VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:**

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,12
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1

**FINDINGS:** The proposed project would allow land uses that are typically permitted within the Industrial Park General Plan designation and a few minor light industrial uses, such as light manufacturing. As part of these industrial operations, hazardous materials may be used in conjunction with other uses. The operator would be required to obtain all necessary permits from the City of San Jose Fire Department Hazardous Materials Division prior to operation.

The proposed project does permit hazardous material storage on the subject property as a primary use. For this reason, the proposed project would not have an adverse impact on the environment.

The subject property is not located within close proximity to a public or private airfield, and would not subject people or structures to a risk of loss, injury or death involving wild fires, in that the subject site is an in-fill site that is surrounded by industrial buildings. The site is not located adjacent or near any existing or proposed school.

**MITIGATION MEASURES:** The operator shall be required to obtain all necessary Hazardous Materials Permits from the City of San Jose Fire Department when required per the City of San Jose Municipal Code.

## **VIII. HYDROLOGY AND WATER QUALITY - Would the project:**

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,15
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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1
d) Result in increased erosion in its watershed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1
e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1
f) Substantially alter drainage patterns due to changes in runoff volumes and flow rates?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
g) Result in increased impervious surfaces and associated increased runoff as specified in the NPDES permit and the City's Post Construction Urban Runoff Management Policy?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
h) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1,17
i) Result in an increase in pollutant discharges to receiving waters such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,17
j) Result in an increase in any pollutant for which the water body is already impaired as listed on the Clean Water Act Section 303 (d) list available from the State Water Resources Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	
k) Result in alteration of receiving water quality during or following construction including clarity, temperature, and level of pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	
l) Substantially alter surface water quality, or marine, fresh, or wetland waters as specified in the NPDES permit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	
m) Substantially alter ground water quality as specified in the NPDES permit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	
n) Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses as specified in the NPDES Permit, General Plan, and City policy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	
o) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1
p) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,9
q) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,9
r) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1
s) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1

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**FINDINGS:** This project will result in a land disturbance of more than one acre. Prior to the commencement of any clearing, grading, or excavation, the project shall comply with the State Water Resources Control Board's National Discharge Elimination System (NPDES) General Construction Activities Permit as follows:

1. The developer shall develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of storm water pollutants including sediments associated with construction activities.
2. The developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board.

Along with these documents, the developer shall be required to prepare an Erosion Control Plan. The Erosion Control may include BMP's as specified in the California Storm Water Best Management Practices Handbook for reducing impacts on the City's storm drainage system from construction activities.

Prior to the issuance of a grading permit, the developer shall submit copies of the NOI and Erosion Control Plan to the City Engineer, Department of Public Works.

With inclusion of the following mitigation measures the impacts to hydrology and water quality will be reduced to less than significant.

**MITIGATION MEASURES:** The following mitigation measures will be included in the project to conform to the current non-point source programs and to avoid or reduce hydrologic impacts to a less than significant level:

1. The proposed development will comply with the NPDES permit issued to the City of San Jose and other co-permittees of the SCVURPPP, and will include measures to control pollutants discharged to the storm water system. Future activities that require a permit from the City of San Jose will need to be evaluated for BMP's including, but not limited to the following: storm water retention or detention structures; use of landscaped-based storm water treatment measures, such as biofilters and vegetated swales to manage runoff from the site; minimization of impervious surfaces and increased use of permeable pavement; if inlet filters are used, a maintenance program to maintain the functional integrity of the systems; damp sweeping of streets and on site parking areas; routine storm drain cleaning, and; covering of dumpsters and materials handling areas
2. Prior to the commencement of any grading, clearing, or excavation the project developer shall comply with the City of San Jose's Municipal Code and the State Water Resources Control Board (SWRCB) NPDES General Construction Activities Permit as follows: The applicant shall develop, implement, and maintain a SWPPP. The SWPPP must specifically address BMP's that will be included in the project to the maximum extent practicable, for both the construction and post construction periods. The SWPPP would include erosion and sediment control measures, waste disposal controls. The developer shall maintain a copy of the most current SWPPP on site and shall provide a copy to any City representative or inspector on demand; the developer shall file a Notice of Intent (NOI) to be covered by the NPDES General Permit for Construction Activity with the SWRCB 30 days prior to any construction on the site.
3. In addition, the SWPPP must include a description of erosion control practices, which may include BMP's as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities.
4. The project will conform to the City's Grading Ordinance during construction. Prior to issuance of a grading permit, the developer shall submit copies of the NOI and Erosion Control Plan to the City Project Engineer at the Department of Public Works.

## **IX. LAND USE AND PLANNING - Would the project:**



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a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2

**FINDINGS:** The proposed development would not divide an established community, nor conflict with any applicable land use plan, policy or regulations of an agency with jurisdiction over the subject property. The subject property does not fall within a habitat conservation plan or natural community conservation plan area.

The subject property is completely surrounded with Industrial uses. The proposed in-fill development is consistent with surrounding uses and will not adversely impact land use and planning.

**MITIGATION MEASURES:** None required

#### **X. MINERAL RESOURCES - Would the project:**

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2,23

**FINDINGS:** The proposed development would not result in the loss of mineral resources of any kind. The subject property is a vacant 4-acre lot that is surrounded by industrial buildings. No know mineral resources are located on the site.

**MITIGATION MEASURES:** None required

#### **XI. NOISE - Would the project result in:**

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2,13,18
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1

**FINDINGS:** Noise criteria that apply to the project are included in the City of San Jose General Plan, which establishes a policy of requiring noise mitigation for industrial land use where exterior noise levels exceeds 70 dBA. Noise levels in the area are within the General Plan standards for industrial uses, and the proposed development is not expected to generate additional noise in excess of the standards.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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The proposed back up generator will be housed within a solid masonry enclosure, which will not result in noise levels that exceed 70 dBA at the property line, meeting the City standards.

During construction, the site preparation and construction phase would generate temporary sound levels ranging from approximately 70 to 90 dBA at 50 foot distances from heavy equipment and vehicles.

#### MITIGATION MEASURES:

*Temporary Construction:* The following measures have been included to reduce potential construction related noise impacts.

1. Construction activities will be limited to the period between 7:00 AM and 7:00 PM Monday through Friday for any activity, on or off-site, within 500 feet of residential uses.
2. The contractor will be required to use “new technology” power construction equipment with state of the art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
3. Staging areas will be located a minimum of 200 feet from noise sensitive receptors where possible.

#### **XII. POPULATION AND HOUSING - Would the project:**

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1

**FINDINGS:** The project would not displace any existing housing units, nor would the project add any housing units or increase the City's population.

Direct growth inducing impacts include the construction of streets and utilities that would provide access to or capacity for additional undeveloped land. The site is bordered by development on all sides. The project would not have a direct growth inducing impact.

MITIGATION MEASURES: None required

#### **XIII. PUBLIC SERVICES - Would the project:**

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**FINDINGS:** The City of San Jose provides parks and recreation facilities within the City. The proposed project is not expected to have an impact on the City's park and recreation facilities, although employees could utilize them during lunch periods or after work. The City parks in the area are adequate to serve the project employees.

The proposed project would not generate the need for additional police or fire services in the area because the site is located within an area of the city that is adequately served by police and fire.

The proposed project will have no impact on schools.

**MITIGATION MEASURES:** None required

#### **XIV. RECREATION**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2

**FINDINGS:** The City of San Jose provides parks and recreation facilities within the City. The proposed project is not expected to have an impact on the City's park and recreation facilities, although employees could utilize them during lunch periods or after work. The City parks in the area are adequate to serve the project employees.

**MITIGATION MEASURES:** None required

#### **XV. TRANSPORTATION / TRAFFIC - Would the project:**

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	1,2,19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2,19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,20
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,18
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,2,18

**FINDINGS:** Seven signalized intersections were analyzed for the AM and PM peak commute hours using Traffix and conforming to the City of San Jose Level-of-Service Policy impact criteria. The results indicate that the project will not have a significant impact on the study intersections. The project would generate less than 100 peak hour trips, CMP intersection analysis was not required.

The result of the left-turn storage analysis performed at Trade Zone and Montague indicate inadequate storage for both background and project conditions. The project will be required to contribute towards a Planned Improvement at Trade Zone and Montague Expressway, which will improve left-turn operations at this location.

This project is located within the North San Jose Deficiency Plan Area and must participate in the payment of the North San Jose Deficiency Plan Fee.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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**MITIGATION MEASURES:** With the inclusion of the following mitigation measures the project would not have a significant impact on transportation and traffic.

1. The developer shall contribute \$30,000 towards the construction of the Planned Improvements at the intersection of Trade Zone Boulevard and Montague Expressway.
2. This project is located within the North San Jose Deficiency Plan area and must participate in the North San Jose Deficiency Plan fee. Currently, the North San Jose Deficiency Plan fee is \$362 per highest peak hour trips (\$32,942.00).

#### **XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,21

**FINDINGS:** The existing utilities located within the area are adequate to serve the proposed development.

**MITIGATION MEASURES:** None required

#### **XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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FINDINGS: The proposed development would contribute incrementally to traffic, air quality, and noise impacts associated with development in an urban area. Project impacts on the natural and human environment would be less than significant, and mitigation measures have been included in the project to reduce any potential impacts to a less than significant level. No significant cumulative impacts would result with implementation of the proposed project.

## CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. PDC03-079
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. Live Oak Associates, INC, Burrowing Owl Survey, October 2003
26. Engeotech, Inc Geotechnical Engineers, Soils Investigation, July 2003